

§ 47.53 Alternative for hazardous waste.

If the mine produces or uses hazardous waste, the operator must provide potentially exposed miners and designated representatives access to available information for the hazardous waste that—

- (a) Identifies its hazardous chemical components,
- (b) Describes its physical or health hazards, or
- (c) Specifies appropriate protective measures.

§ 47.54 Availability of an MSDS.

The operator must make MSDSs accessible to miners during each work shift for each hazardous chemical to which they may be exposed either—

- (a) At each work area where the hazardous chemical is produced or used, or
- (b) At an alternative location, provided that the MSDS is readily available to miners in an emergency.

§ 47.55 Retaining an MSDS.

The operator must—

- (a) Retain its MSDS for as long as the hazardous chemical is known to be at the mine, and
- (b) Notify miners at least 3 months before disposing of the MSDS.

Subpart G [Reserved]

Subpart H—Making HazCom Information Available

§ 47.71 Access to HazCom materials.

Upon request, the operator must provide access to all HazCom materials required by this part to miners and designated representatives, except as provided in § 47.81 through § 47.87 (provisions for trade secrets).

§ 47.72 Cost for copies.

- (a) The operator must provide the first copy and each revision of the HazCom material without cost.
- (b) Fees for a subsequent copy of the HazCom material must be non-discriminatory and reasonable.

§ 47.73 Providing labels and MSDSs to customers.

For a hazardous chemical produced at the mine, the operator must provide customers, upon request, with the chemical's label or a copy of the label information, and the chemical's MSDS.

Subpart I—Trade Secret Hazardous Chemical

§ 47.81 Provisions for withholding trade secrets.

(a) Operators may withhold the identity of a trade secret chemical, including the name and other specific identification, from the written list of hazardous chemicals, the label, and the MSDS, provided that the operator—

- (1) Can support the claim that the chemical's identity is a trade secret,
- (2) Identifies the chemical in a way that it can be referred to without disclosing the secret,
- (3) Indicates in the MSDS that the chemical's identity is withheld as a trade secret, and
- (4) Discloses in the MSDS information on the properties and effects of the hazardous chemical.

(b) The operator must make the chemical's identity available to miners, designated representatives, and health professionals in accordance with the provisions of this subpart.

(c) This subpart does not require the operator to disclose process or percentage of mixture information, which is a trade secret, under any circumstances.

§ 47.82 Disclosure of information to MSHA.

(a) Even if the operator has a trade secret claim, the operator must disclose to MSHA, upon request, any information which this subpart requires the operator to make available.

(b) The operator must make a trade secret claim, no later than at the time the information is provided to MSHA, so that MSHA can determine the trade secret status and implement the necessary protection.

§ 47.83 Disclosure in a medical emergency.

(a) Upon request and regardless of the existence of a written statement of need or a confidentiality agreement,